

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DENNIS BRITTENHAM,

Plaintiff,

v.

CASE NO. 2:10-CV-10481  
HONORABLE PATRICK J. DUGGAN

KITCHEN,

Defendant.

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**OPINION & ORDER STRIKING COMPLAINT AND  
DISMISSING CASE FOR FAILURE TO CORRECT DEFICIENCIES**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan on March 22, 2010.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

On February 3, 2010, Plaintiff Dennis Brittenham filed this *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff is a state prisoner currently confined at the Gus Harrison Correctional Facility in Adrian, Michigan. In his complaint, he challenges the prison food service. At the time he filed his complaint, Plaintiff did not sign the complaint as required, *see* Fed. R. Civ. P. 11(a), and indicated a refusal to do so. (See Doc. 1 at 3, 4.) Plaintiff also did not pay the required \$350.00 filing fee or submit a proper application to proceed without prepayment of the filing fee. *See* 28 U.S.C. § 1915(a)(2); *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997). Consequently, the Court issued a deficiency order on February 5, 2010.

The deficiency order required Plaintiff to submit a signed copy of the complaint and pay the filing fee or submit a properly completed *in forma pauperis* application within 30 days (i.e., March 8, 2010). The order further provided that if Plaintiff did not correct the deficiencies within 30 days his complaint would be stricken and the case would be dismissed.

Plaintiff has failed to correct the filing deficiencies within the allotted time for doing so. Accordingly, the Court **DISMISSES WITHOUT PREJUDICE** Plaintiff's complaint. The Court further concludes that an appeal from this order would be frivolous and cannot be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); *see also McGore*, 114 F.3d at 610-11.

**SO ORDERED.**

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copy to:  
Dennis Brittenham, #252929  
Gus Harrison Correctional Facility  
2727 E. Beecher Street  
Adrian, MI 49221